

North Los Angeles County Regional Center
Vendor Advisory Committee Meeting Minutes

October 1, 2015

- Present:** Fredlyn Berger, Annie Cox, Deborah Cutter, Mariela Feldman, Michelle Heid, Eleshia Johnson, Staci Jordan, Kristin Laurino, Marina Pink, and Scott Shepard - Committee Members
Arpi Arabian, Yolanda Bosch, Erin Broughton-Rodriguez, Lisa DePiro, Jennifer Kaiser, Kim Rolfes, George Stevens, and Dr. John Youngbauer – Staff Members
Liana Aidinova, Jill Tapia, Darrell Bunch, Julio Gramajo, Alona Yorkshire, Crystal Best, Uju Okeke, Katina Powe, William Powe, Leticia Hernandez, Randi Levinson-Kuzmin, Ella Wu, Verjine Egian, Lizeth Corral, Maria Ortiz, Jamie DeWitt, Riva Kestenbaum, Will Jordan, Sarah Yoon, Elana Schechtman, Diane D’Elia, Toni Tellez, Miriam Corona, Victoria Berrey, Victoria Greenwood, Myesha Arguelles, Rosa Hernandez, Jeff Bromley, Sean Stone, and Dan Merrell - Guests
- Absent:** Cynthia Fernandez, Jonathan Istrin, Ken Lane, Wayne Tashjian, and Dolly Wauls
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I. Call to Order & Introductions

Michelle Heid, VAC chair, called the meeting to order at 9:37 a.m. once a quorum of members was present. Introductions were made.

II. Public Input - There was no public input.

III. Consent Items

A. Approval of Agenda

Item VI.B. was added to the agenda.

M/S/C (A. Cox/F. Berger) To approve the agenda as modified.

B. Approval of Minutes from September 3rd VAC Meeting

One correction was made: Wayne Tashjian should be noted as present, not absent.

M/S/C (E. Johnson/F. Berger) To approve the minutes as modified.

IV. Executive Director's Report

George Stevens gave the following reports:

- A. Annual Board, VAC, and CAC Recruitment: Announcements are going out this month soliciting applicants to serve on the center's Board of Trustees, Vendor Advisory Committee, and Consumer Advisory Committee. Please refer anyone interested to Jennifer and she will send them an application. Completed applications are due December 31st.
- B. State of Funding/Transportation: The center held a community meeting at Desert Haven in Lancaster last week to explain the reasons behind the transportation issues we are experiencing in that area. Over 100 people were in attendance, including local legislators. Essentially, the issue has to do with rates. Southland Transportation has difficulty retaining their drivers because other driving jobs pay more. The lack of drivers affects consumer ride times and consumers' ability to attend their day programs. We have a potential replacement transportation provider, but they will struggle with the median rates, 15% administrative cost cap, and low fuel allotment. The center wrote a letter to the Department of Developmental Services (DDS) explaining the transportation issues and asking for either a health and safety exemption for over 500 consumers in the Antelope Valley or a usual and customary rate. We anticipate we will be experiencing the same transportation issues next year in the Santa Clarita and San Fernando Valleys.
- C. Ability First: Is closing its program at the Paul Weston Center in Woodland Hills on November 20th. Almost 100 consumers will be impacted by the closure and some of them have been there for over 20 years. We are in the process of finding alternative resources for those consumers.
- D. NLACRC's Budget:
 1. FY 2015-16: We are anticipating that we will have a deficit in our purchase of service (POS) deficit this fiscal year, but won't know how much until we complete our first Sufficiency of Allocation Report (SOAR) for DDS later this month.
 2. FY 2014-15: We were anticipating a deficit in our POS budget of about \$14 million. However, DDS has just given us another allocation which should resolve the shortfall.
 3. FY 2013-14: We are projecting a POS deficit of just under \$2 million.

V. Chief Financial Officer's Report (Kim Rolfes)

- A. Draft Out-of-Community/Out-of-State Travel Guidelines for SLS Providers: NLACRC staff have met with supported living service (SLS) providers and received their input on these draft guidelines. Kim appreciated their input and the collaborative process. Copies of the final draft were provided to the VAC.

M/S/C (S. Shepard/S. Jordan) To recommend to the Board of Trustees to approve the draft Out-of-Community/Out-of-State Travel Guidelines for SLS providers, as presented.

- B. Uniform Holiday Schedule: A US court rejected DDS's appeal so providers should follow NLACRC's uniform holiday schedule, which has been posted on our website. Programs can remain open on the designated holidays, but the center does not provide transportation on those days (e.g. Thanksgiving or Christmas).
- C. Minimum Wage Increase: The minimum wage is going up on January 1st; please be aware that the wage increase does not cover compression. Service providers with negotiated rates are prohibited from getting a rate increase from DDS to cover the cost of the minimum wage increase. But for other providers, the center's accounting department is working hard to address their rate increase requests.
- D. Department of Labor/Overtime: The Department of Labor (DOL) issued the Home Care Final Rule to extend minimum wage and overtime protections to almost 2 million home care workers. The Home Care Final Rule, issued on October 1, 2013, had an effective date of January 1, 2015. In June 2014, association of home care companies filed a lawsuit in federal court challenging the Home Care Final Rule. In December 2014 and January 2015, the US District Court ordered that the Home Care Final Rule be vacated. The DOL filed an appeal of the US District Court's orders to the US Court of Appeals. On August 21, 2015, the US Court of Appeals issued a unanimous opinion and reversed the US District Court order. The US Court of Appeals decision becomes effective on October 13, 2015; however, the DOL will not begin enforcement of the Home Care Final Rule for thirty (30) days, which is November 12, 2015. During FY 2014-15, the statewide regional center budget included a 5.82% increase for all supported living providers, in-home respite providers, and personal assistant providers to be able to comply with the Home Care Final Rule. The 5.82% increase was never implemented by DDS or regional centers pending the outcome of the US Court of Appeals decision.

Based on the decision issued by the US Court of Appeals in October 2015, DDS is currently working within its administration to clarify the details regarding implementation of this decision. NLACRC will share information with our service providers shortly after we receive information from DDS regarding the implementation of the Home Care Final Rule.

- E. SB 490 (Beall/Huff): This bill would have increased the audit thresholds so that service providers that receive payments between \$500,000 and \$2 million would have to obtain a review and providers who receive \$2 million or more would have to obtain an independent audit. In addition, 2-year exemptions would have been granted for those providers who received good audits. The NLACRC Board of Trustees voted to support this bill, but unfortunately, the bill did not pass.
- F. DDS Audit: DDS auditors have been at the center for nearly 5 weeks and their exit interview will be held tomorrow. In the main, the audit is going very well. However, they did find service provider files that did not have current independent audits/reviews or DS 1891 forms.
- G. Zero Tolerance Policies: NLACRC sends out its zero tolerance on consumer abuse policy each year along with DDS's zero tolerance policy. Both policies will be sent out shortly. Please share these policies with your staff.
- H. Annual Family Statements: Each year the center sends out statements to consumers and families on what their services cost the previous year. The statements for FY 2014-15 will be sent out shortly.

VI. Community Services Director's Report (Yolanda Bosch)

- A. Appreciation: Yolanda thanked the service providers for everything they do for our consumers even in the face of under-funding and crisis management. We know you are struggling and the community services department is here to support you however they can.
- B. DS 1891 Forms: Service providers must submit a form for each vendor number they have. It doesn't cost anything to submit them and they can be easily submitted using the center's portal.
- C. CMS Regulations for Home & Community-Based Services (HCBS): The Centers for Medicare & Medicaid Services (CMS) require homes and programs where HCBS are delivered to meet new criteria in order to qualify for federal funding under the Medicaid program (Medi-Cal). Each state must

write a plan for how its HCBS programs meet these new rules. States have until March 2019 to implement the requirements for HCBS settings in accordance with CMS-approved plans. Yolanda will be meeting with her colleagues next week to discuss this and the next statewide CMS meeting will be held at the end of October. The center will be sending surveys out at the end of the year to find out what our service providers need in order to bring them into compliance. Without compliance we won't receive federal funding. For more information go to DDS's website and look up "state transition plan for CMS."

- D. Disaster Preparedness Trainings: Will be held for our residential and day programs on October 22nd and 28th.
- E. Announced and Unannounced Visits: The center is required to visit our residential providers with 2 announced and 1 unannounced visit each year. Our goal is to support our providers and help them become the best they can be. Please see us in that light; we want to be your partner in service provision.

VII. Committee Business

- E. Report on September 3rd Rally held in Sacramento: Scott reported that he participated in the rally with one of his consumers along with Diane Ambrose, director of program services, and Tavia Wooley, NLACRC board president. The rally began at a theater with over 1,000 people in attendance. Many inspired advocates spoke at the theater and afterwards the group marched to the State Capitol and Scott and others visited with legislators there. A rally was also held in Los Angeles last month and they marched to the governor's LA office. The special legislative session is now only meeting every 3 months and they don't seem to have our system, which is in crisis, on their agendas. The last rate increase for providers was in 2008. Democrats are not supporting us; they passed a budget without any increases for us. Republicans do not support any taxes that would support us. The governor is ignoring us. We need to make sure people in our system are registered to vote – and exercise that right. We need leadership and make it part of our jobs to educate our consumers, families, and staff.
- A. Legislative Information:
 - 1. Scott urged everyone to write letters in support of AB X2-18 (Bonilla) which would establish the "Cocktails for Healthy Outcomes Act" which adds a 5 cent charge per cocktail drink beginning January 1, 2016. The money generated would be directed to the developmental services budget.

2. Michelle added that system advocates have begun talking about developing a ballot initiative to get more funding for our system by gathering signatures; we would need to get 365,880 signatures of registered voters in a 180 day period in order to get the initiative on the ballot.
3. Michele encouraged providers to attend the monthly Government & Community Relations Committee meetings that are held at the center; the meetings are generally held on the 3rd Wednesday of the month at 7:00 p.m. (immediately following the 6:00 p.m. Consumer Services Committee meeting).
4. We need to put all of our efforts into pushing for the funding we so desperately need. If you are new to being a legislative advocate, Michele provides trainings on a fairly regular basis. The next training will be held Monday, October 26th, at 7:00 p.m. and Bridgeport Elementary School in Santa Clarita. The training is primarily geared for parents, but it is also a good opportunity for providers to learn the basics.

VIII. Reports from the VAC Priority Issue Work Groups

- A. Early Start/Prevention Services: Annie reported that the group talked a lot about how the lack of funding has impacted the Early Start program, including difficulties in retaining staff. Parents of Early Start kids are just beginning to understand how to be lifelong advocates. The group also discussed the National Core Indicators Child/Family Survey outcomes and how that information could be used to improve services.
- B. Children's Services: Michele reported that the group discussed how the HCBS final rule and self-determination will impact children's services. The transition of behavioral services from the regional center to managed care is taking longer than anticipated. The group will continue to collaborate with the regional center to assist with the behavioral services parent orientations.
- C. Adult Services: Eleshia reported that the group discussed how to support youth transitioning into adult services.
- D. Mental Health Issues: Deborah reported that the group discussed the lack of available housing for consumers with mental health issues. The group discussed individual client cases, so she is unable to provide further details. If anyone would like to join the meeting, they are held on the 3rd Thursday of each month at 3:00 p.m. in the center's 2nd floor conference room.

IX. Report on Board Committee Meetings

- A. Administrative Affairs: Kim gave the report in Ken's absence. The committee was given their annual presentation on the center's insurance coverages. The committee also reviews all contracts over \$250,000 and takes them to the full board for approval.
- B. Board of Trustees: Michelle reported that at the last meeting, the board approved supporting SB X2-11 (Beall) and is considering hiring a legislative consultant to develop short and long term legislative strategies and to help train consumers and families to become legislative advocates. Michelle encouraged providers to come to the monthly board meetings. She and Gay Wane were the only 2 service providers who regularly attend the board meetings and now that Gay has passed, she is the only one. Board meetings are generally held on the 2nd Wednesday of each month at 6:30 p.m.
- C. Consumer Services: Michelle reported that the committee is given a monthly status report on the self-determination program. They also are given a monthly report on the center's community placement plan, which refers to consumers living in developmental centers and the center's plan to move them into the community.
- D. Government & Community Relations: Michelle reported that the committee tracks lots of legislation that would have an impact on our system.
- E. Housing: The next quarterly Housing Committee meeting will be held Monday, November 9th, at noon. Jonathan is the VAC's representative to that committee.
- F. Nominating: The next Nominating Committee meeting won't be held until January 6th. Jonathan is the VAC's representative to that committee.
- G. Strategic Planning: Annie reported that the committee is responsible for overseeing the development of the center's performance contract and also tracks program closures. Since the beginning of FY 2008-09, the center has had 81 program closures which impacted 1,691 consumers.

X. Open Issues for Discussion

No further issues were identified for discussion.

XI. Agenda Items for the Next Board Meeting

The committee identified the following items for the VAC's section of the October 14th board meeting agenda:

- A. Minutes of October 1st Meeting

XII. Announcements/Information/Public Input

- A. Self-Determination: The self-determination volunteer advisory committee has been formed and Michelle is one of the 11 members. The self-determination meetings are open to the public and their meeting minutes will be posted on the center's website. Their next meeting will be held Thursday, October 8th, at 7:00 p.m. For more information about self-determination, go to DDS's website. DDS recently developed a short video about the program and it is posted there.
- B. Omni Safety Institute: Aaron Jones announced that Omni is a California Department of Social Services approved vendor. They provide continuing education training, full recertification, staff training, and CPR training. He left flyers on the information table with additional information. For more information, call Omni at (323) 632-0162 or visit their website at www.omnisafetyinstitute.com.
- C. FFRC Resource Fair: Victoria Berrey announced that the Family Focus Resource Center (FFRC)'s resource fair will be held Saturday, October 17th, from 10:00 a.m. to 2:00 p.m. at CSUN. They will have 75 different resource booths!
- B. Next VAC Meeting: Thursday, November 5th, at 9:30 a.m. (break out groups)

XIII. Adjournment

Michelle adjourned the meeting at 11:02 a.m.

Submitted by,

Jennifer Kaiser

Jennifer Kaiser
Executive Assistant

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